

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KENDRICK DANE SELLERS,

Plaintiff,

v.

Case No. 23-CV-562

REBECCA SCHAFER,

Defendant.

ORDER

Plaintiff Kendrick Dane Sellers is currently incarcerated at Redgranite Correctional Institution and representing himself in this 42 U.S.C. § 1983 action. On March 13, 2024, Sellers filed a motion to voluntarily dismiss the case. (ECF No. 49.) However, on March 29, 2024, Sellers filed a letter withdrawing his motion to voluntarily dismiss the case. (ECF No. 61.) As such, the court will deny his motion to voluntarily dismiss the case as moot.

On March 13, 2024, and March 25, 2024, Sellers filed a motion for extension of time to respond to the defendant's summary judgment motion. (ECF Nos. 47, 60.) However, on March 29, 2024, Sellers filed a response. Accordingly, the court will deny these motions as moot as well.

On February 2, 2024, and March 13, 2024, Sellers filed motions to appoint counsel. (ECF Nos. 36, 47.) On March 29, 2024, Sellers filed a motion to suppress

video evidence. (ECF No. 67.) On April 8, 2024, Sellers filed a motion for an evidentiary hearing. (ECF No. 73.) This order resolves these motions.

MOTIONS TO APPOINT COUNSEL (ECF NOS. 36, 47)

Sellers has previously filed several motions to appoint counsel. The court denied his motions to appoint counsel, finding that Sellers was capable of litigating his case on his own. (ECF Nos. 30, 31.) The court informed Sellers that if his circumstances change or Sellers encounters obstacles that he does not believe he can handle on his own, he may renew his motion, and the court will consider it at that time.

On February 2, 2024, Sellers filed another motion to appoint counsel, stating that he has limited access to the law library, inadequate access to the materials held by the litigation coordinator, and that the defendant did not fully respond to his discovery requests. (ECF No. 36.) Then on March 13, 2024, Sellers filed another motion stating that the defendant will not cooperate with discovery. (ECF No. 47.)

These issues do not render Sellers unable to litigate his case. He needs to work with the institution to get adequate law library access and access to the materials held by the litigation coordinator. Clearly, Sellers has some access as he was able to file a motion for summary judgment and respond to the defendant's motion for summary judgment. If Sellers believes that the defendants did not appropriately respond to his discovery requests, he should have filed a motion to compel prior to responding to the defendant's motion for summary judgment. His motions to appoint counsel are denied.

**MOTION TO SUPPRESS (ECF NO. 67) AND MOTION FOR AN EVIDENTIARY
HEARING (ECF NO. 73)**

Sellers moves to suppress the video evidence the defendants filed in support of their motion for summary judgment because he believes the video has been altered. However, other than his belief that it has been altered, Sellers offers no proof of alteration. The defendant, in response, indicates that the video was provided with the declaration of Sarah Feltes wherein she swears under oath that the video is a true and correct copy. (ECF No. 69). Because there is a clear chain of custody and the court has no reason to find that the video is altered, the court denies Sellers's motion to suppress. Because it is clear that the video is a true and correct copy, there is no need for an evidentiary hearing. Sellers's motion for an evidentiary hearing is denied.

IT IS THEREFORE ORDERED that Seller's motions to appoint counsel (ECF Nos. 36, 47) are **DENIED**.

IT IS FURTHER ORDERED that Sellers's motions for extension of time to respond to the defendants' motion for summary judgment (ECF Nos. 47, 60) are **DENIED as moot**.

IT IS FURTHER ORDERED that Sellers' motion to voluntarily dismiss the case (ECF No. 49) is **DENIED as moot**.

IT IS FURTHER ORDERED that Sellers's motion to suppress (ECF No. 67) is **DENIED**.

IT IS FURTHER ORDERED that Sellers's motion for an evidentiary hearing (ECF No. 73) is **DENIED**.

Dated in Milwaukee, Wisconsin this 11th day of June, 2024.

A handwritten signature in blue ink that reads "Stephen C. Dries". The signature is written in a cursive style with a large initial 'S'.

STEPHEN DRIES
United States Magistrate Judge